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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,517	12/14/2000	Ichiro Hatano	Q62173	4989

7590 09/27/2004  
SUGHRUE, MION, ZINN, MACPEAK, & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER

HOYE, MICHAEL W

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/735,517	Applicant(s) HATANO, ICHIRO	
	Examiner Michael W. Hoyer	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/14/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Objections*

2. Claim 2 is objected to because of the following informalities: on line 4 of the claim, the word "the" at the end of the line appears to be a typographical error and should be deleted. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hennig (USPN 5,956,455), cited by the Examiner.

As to claim 1, note the Hennig reference which discloses an apparatus for recording program information. The claimed program information obtaining device for obtaining program information including at least program names, broadcast start times, program lengths or program

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end times, and broadcast channels of a plurality of programs is met by the VCR as shown in Fig. 1, including the tuner 100, system controller microcomputer 110 and the teletext processing elements 140-160 (see col. 3, lines 9-52), in addition, Henning discloses in Figs. 2, 4a, 4b, 5 and 6, program information including at least program names (i.e. "DIE PYRAMIDE"), broadcast start times (i.e. "20:50"), program lengths or program end times (as shown by the beginning of the next program), and broadcast channels of a plurality of programs (as shown by broadcaster or channel ZDF, where other broadcast channels may be displayed as well, see col. 3, lines 53-63, col. 4, lines 39-41 and lines 62-65). The claimed program guide providing device for providing a program guide to a user on the basis of the obtained program information is met by the VCR as previously described above, where the user makes selections or moves the cursor using either remote control unit 120 or locally-mounted key pad 130 (col. 3, lines 15-20 and col. 4, lines 43-46). The claimed storing device for storing at least the broadcast start time, the program length or the broadcast end time, and the broadcast channel with regard to a program selected by the user on the basis of the provided program guide is met by memory 160 in Fig. 1 (col. 3, lines 53-63). The claimed reception contents recording device for receiving the broadcast channel of the selected program in a period within the program length after the broadcast start time, or in a period by the broadcast end time from said broadcast start time, and recording the reception contents is met by the VCR in Fig. 1, as described above, element 115 and more specifically the recording portion of the VCR not shown (col. 3, lines 13-16 and col. 5, lines 35-39). The claimed newest program information obtaining device for newly obtaining the program information with regard to the selected program in a period while the reception contents are recorded is met by is also met by the VCR teletext elements 140-160 in Fig. 1 as described

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above, where in one example the actual time may be changed if the program ran over time, or by updating other information through controller 150 (see col. 1, lines 58-64, col. 4, lines 57-59, and col. 5, lines 16-39). The claimed program information recording device for recording the newly obtained program information is met by the memory 160 of the VCR as described above and the controller 150 (col. 5, lines 16-39).

As to claim 2, the claimed reception contents recording device receives the broadcast channel of the selected program and records the reception contents in accordance with a changed program length or a changed broadcast end time if the program length of the broadcast time or the broadcast end time included in said newly obtained program information by said newest program information obtaining device is changed against the program length of the broadcast time or the broadcast end time included in said obtained program information by said program information obtaining device is met by adjusting the recording time for a delayed program as described in one example in col. 6, lines 36-63, or in another example by extending the recording when the program runs over time (col. 1, lines 57-64 and col. 4, lines 39-61).

As to claim 3, the claimed apparatus further comprising a reception contents providing device for providing reception contents of the program recorded by said reception contents recording device to the user on the basis of the program information recorded by the program information recording device is met by the display module 135 in Fig. 1, which displays the listings of programming and the recorded programs selected by a user (see col. 1, lines 50-57; col. 3, lines 53-63; col. 4, lines 39-61; col. 5, lines 35-39 and col. 6, lines 12-35).

As to claim 4, the claimed said newest program contents information obtaining device periodically obtains the program information in regard to the selected program addition to the

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period for recording the reception contents by said reception contents recording device is met by col. 5, lines 12-44, where the VCR controller searches the received teletext pages for entries corresponding to preprogrammed VPS codes.

As to claims 5-8, the claimed method is met by a similarity to the rejection of claims 1-4 as described above.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chaney (USPN 5,841,433) – Discloses a digital television system channel guide having a limited lifetime.

Grooters et al (USPN 6,549,718) – Discloses systems, methods and software for using markers on channel signals to control electronic program guides and recording devices.

Jackson (USPN 5,963,264) – Discloses a method and apparatus for control of audio and video recording device operations via selections from an Electronic Programming Guide (EPG), which allows for program schedule changes to occur, such as when a program runs over time.

Kwoh (USPN 5,852,478) – Discloses a VPS compatible apparatus and method for selection of correct IR code sets used for adjusting the recording times of programs that have been scheduled due to changes in the start times or end times, etc.

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Yuen et al (USPN 5,488,409) – Discloses an apparatus and method for tracking the playing of VCR programs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954.

The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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**Or faxed to: (703) 872-9306**

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoyer  
September 19, 2004



JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600